

MARTIN & FERRARO, LLP  
ATTORNEYS AT LAW  
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Hartville, Ohio 44632

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TO:

Name: Mail Stop AMENDMENT  
Group Art Unit 3731/Examiner Ryan Severson

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 09/626,636

Gary Karlin Michelson

Filed: July 27, 2000

A GUARD FOR USE IN PERFORMING

HUMAN INTERBODY SPINAL SURGERY

Attorney Docket No. 102.0003-04000

Customer No. 22882

Confirmation No. 6124

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 30

Date: May 1, 2008


Confirmation Copy to Follow: NO

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Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate), and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on May 1, 2008.

  
Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 102.0003-04000

Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karl In Michelson

Serial No: 09/626,636

Filed: July 27, 2000

For: A GUARD FOR USE IN PERFORMING  
HUMAN INTERBODY SPINAL SURGERY

Confirmation No.: 6124

Art Unit: 3731

Examiner: Ryan J. Severson

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Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in reply to the Office Action dated February 1, 2008 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

TOTAL HAS BEEN CALCULATED AS SHOWN BELOW:							
	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	172	-	176 **	0	LG=\$50 SM=\$25	\$50	\$ 0
INDEPENDENT CLAIMS FEE	6	-	7 ***	0	LG=\$210 SM=\$105	\$210	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$370 SMALL ENTITY FEE = \$185		\$ 0
TOTAL							\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ The total amount of \$\*\*\* to cover the above fees is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Date: May 1, 2008

By: 

Thomas H. Martin

Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

Transmittal of Amendment 5-1-08.DOC

FORM PTO-1083

Attorney Docket No.: 102.0003-04000  
Customer No. 22882

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In re application of:

Gary Karlin Michelson

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TOTAL CLAIMS FEE	172	-	176 **	0	LG=\$60 SM=\$25	\$50	\$ 0
INDEPENDENT CLAIMS FEE	6	-	7 ***	0	LG=\$210 SM=\$105	\$210	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$370 SMALL ENTITY FEE = \$185		\$ 0
TOTAL							\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

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Respectfully submitted,

MARTIN &amp; FERRARO, LLP

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Attorney Docket No. 09/626,636  
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In re Application of:	)	Confirmation No. 6124
Gary Karlin Michelson, M.D.	)	
Serial No.: 09/626,636	)	Group Art Unit: 3731
Filed: July 27, 2000	)	Examiner: Ryan J. Severson
For: A GUARD FOR USE IN	)	
PERFORMING HUMAN	)	
INTERBODY SPINAL SURGERY	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT**

In reply to the Office Action dated February 1, 2008, please amend the application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks** begin on page 21 of this paper.

Amendment 5-1-08